IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5258 OF 2005

Planet Industrial (Premises) Co-operative Society Ltd. & Ors. : Petitioners

V/s.

The Deputy Registrar, C.S. & Ors. : Respondents

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Mr.P.K.Dhakephalkar with Mr.S.U.Dhakephalkar for the petitioners.

Mr.M.H.Solkar, Asstt. Govt. Pleader, for the respondent no.1.

Mr.A.S.Desai for the respondent no.3.

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CORAM : S.A. BOBDE, J.

August 10, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Solkar, learned Asstt. Govt. Pleader for the respondent no.1, and Mr.Desai, learned counsel for the respondent no.3, appear and waive service of rule.

Heard by consent.

2. After hearing the matter for sometime, the following order is passed by consent:-

O R D E R

The order of the appellate authority dated 5.8.2005 is hereby set aside. The matter is remanded back to the appellate authority for a fresh decision, in accordance with law. The parties would be at liberty to produce such additional evidence as may be advised before the appellate authority.

3. Pending appeal, there shall be a stay to the appointment of the Administrator.

4. The rule is made absolute in the aforesaid terms.

S.A. BOBDE, J.